

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2020-245-E ORDER NO. 2020-110-H

NOVEMBER 9, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Petition of The Electric Cooperatives of South Carolina to Establish a New Docket for Purpose of Allowing Electric Cooperatives to Provide Notice of Certain Contracts as Required by S.C. Code Ann. §58-9-3030(C)(1) of the Broadband Accessibility Act (Act 175 of 2020)

MATTER UNDER CONSIDERATION:

Petition to Intervene of the South Carolina Telephone Coalition ("SCTC")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of SCTC. The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;

(b) The grounds of the proposed intervention;

(c) The position of the petitioner in the proceeding.

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioner in the proceeding must also be concisely and clearly stated; provided it is known.

SCTC is a coalition of local exchange telephone companies organized and doing business under the laws of the State of South Carolina. SCTC's members are telephone companies or telephone cooperatives subject to the jurisdiction of this Commission. SCTC seeks to intervene in this proceeding with full rights to participate as a party of record insofar as its

interests might appear. According to SCTC, its individual member companies are “communications service providers” as defined in the Broadband Accessibility Act. *See* S.C. Code Ann. § 58-9-3010(8). SCTC asserts that as such, these companies have certain rights and remedies pursuant to S.C. Code Ann. § 58-9-3030(C)(1). SCTC’s position in this docket is that its member companies are entitled to notice of the filing of contracts pursuant to S.C. Code Ann. § 58-9-3030(C)(1), so that they may exercise their rights under the statute. Therefore, according to SCTC, SCTC and its individual companies have a direct interest in this proceeding.

After due deliberation, I hold that SCTC’s individual member companies are “communications service providers” under the Broadband Accessibility Act, and that, as such, these companies have certain rights and remedies under S.C. Code Ann. Section 58-9-3030(C)(1). I agree that the SCTC companies are entitled to notice of the filing of contracts under this statute, so that they may exercise their rights under said statute. Clearly the SCTC companies have a direct interest in this proceeding. SCTC’s Petition to Intervene also clearly lays out the grounds for its intervention, and its position in this case, as outlined above. Since SCTC has satisfied the criteria set forth by the Commission’s regulation, the Petition to Intervene is granted. This ends the Chief Hearing Officer’s Directive.